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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,745	10/23/2001	Daniel E. Boss	403391	9390

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EXAMINER	
CHANG, YEAN HSI	

ART UNIT	PAPER NUMBER
2835	

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/014,745	Applicant(s) BOSS ET AL.	
	Examiner Yean-Hsi Chang	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/18/03 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2-13 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US 6,310,769 B1) in view of Eckerd et al. (US 6,078,498) and DeLuca et al. (US 5,333,098).

Johnson teaches in combination:

- An undamped bracket (14, fig. 2) including a laminated body (14, fig. 2) of sheet material (14, fig. 3) having two outer layers (17 and 19, fig. 3) formed of metal and an inner layer (20, fig. 3) formed of a viscoelastic material and joining the outer layers (see col. 3, lines 47-54) (claim 7)
- The body being formed into a generally channel-shaped configuration (fig. 2) having a base wall (14b, fig. 2) and two side walls (14a, fig. 2) extending from opposed sides of the base wall and two flanges (22, fig. 2) respectively extending from the side walls (claim 7)
- At least one of the base wall and the side walls having openings therethrough (24, fig. 2) (claim 7)
- A disk drive assembly (12, fig. 1) (claim 7)
- A plurality of first fasteners (21, fig. 3) respectively received through the openings and engageable with the disk drive assembly (see col. 3, lines 24-27) (claim 7)
- Wherein each of the walls is a flat, substantially rectangular wall (see fig. 2) (claim 2)
- Wherein the openings are firmed in each of the base wall and the side walls (see fig. 2) (claims 3 and 9)
- Wherein each of the flanges has a plurality of openings therethrough (see fig. 2) (claim 4)
- End walls (16, fig. 2) integral with the base wall and extending therefrom in a direction opposite to the side walls (claims 5 and 6)

- Wherein the disk drive assembly is spaced from the base wall (fig. 1) (claim 8)

Johnson fails to teach the disk drive assembly having an integral printed circuit board on one side thereof independent of the bracket.

Eckerd teaches a disk drive assembly (100, fig. 3) having a printed circuit board (134, fig. 2) in the bottom side facing a base wall (162, fig. 2) of a bracket (156, fig. 2).

DeLuca teaches a disk drive assembly (200, fig. 1) having its bottom side disposed in contact with one surface of the base wall of a bracket (182, fig. 1) having side walls extending on the same one surface, and a disk drive assembly (186, fig. 1) having its bottom side disposed in contact with one surface of the base wall of a bracket (184, fig. 1) having side walls extending on the other surface.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Johnson with the disk drive assembly taught by Eckerd, and with either one of the mounting methods taught by DeLuca such that the disk drive assembly may be mounted on the bracket with more flexibility to fit into an available space.

The method of damping in a disk drive assembly claimed in claims 16-21 is obviously disclosed in the related specifications of the cited references.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Eckerd et al. and DeLuca et al., further in view of Jo (US 6,005,768).

Johnson in view of Eckerd and DeLuca discloses the claimed invention except each of the flanges having at least one opening therethrough and a second fastener in the at least one opening for fastening the bracket to an associated substrate.

Jo teaches a bracket (50, fig. 3) having flanges (54, fig. 3) each having at least one opening (56, fig. 3) therethrough and a second fastener (not shown) for fastening the bracket to an associated substrate (not shown; see col. 4, lines 51-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Johnson et al modified by Eckerd and DeLuca with the bracket taught by Jo such that the bracket may be used to support a disk drive assembly to an associated substrate in a drive bay or a computer chassis.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Eckerd et al. and DeLuca et al., further in view of Hoppal et al. (US 5,195,022).

Johnson in view of Eckerd and DeLuca discloses the claimed invention except elastomeric grommets encircling each fastener respectively on opposite sides of the wall through which the fastener extends.

Hoppal teaches an elastomeric grommet (506, fig. 5) for encircling each fastener (502, fig. 5) on opposite sides of a wall (418, fig. 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Johnson modified by Eckerd and DeLuca with the grommet taught by Hoppal for high damping characteristics.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Eckerd et al. and DeLuca et al., further in view of Hoppal et al. (US 5,195,022).

Johnson et al. in view of Eckerd and DeLuca discloses the claimed invention except the method of cushioning each fastener with elastomeric grommets respectively disposed on opposite sides of the wall through which the fastener passes.

Hoppal teaches a method of cushioning a fastener (502, fig. 5) with an elastomeric grommet (506, fig. 5) respectively disposed on opposite sides of a wall (418, fig. 5) through which the fastener passes.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Johnson et al. modified by Eckerd and DeLuca et al. with the method of cushioning taught by Hoppal for the purpose of obtaining higher damping characteristics.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Eckerd et al. and DeLuca et al., further in view of Jo, again further in view of Hoppal et al.

Johnson in view of Eckerd and DeLuca, further in view of Jo discloses the claimed invention except elastomeric grommets encircling each second fastener on a flange.

Hoppal teaches an elastomeric grommet (506, fig. 5) for encircling each fastener (502, fig. 5) on a flange (510, fig. 5)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Johnson modified by Eckerd, DeLuca and Jo with the elastomeric grommets taught by Hoppal for the purpose of obtaining higher damping characteristics.

Response to Arguments

8. Applicant's arguments with respect to claim 7 have been considered but are moot in view of the new ground(s) of rejection.

9. In addition, applicant amended claim 7 with "an undamped bracket", while as in the remarks, emphasized "the bracket be a damped, laminated bracket". An explanation may be needed.

Correspondence

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. Since the USPTO is

relocating to a new campus, other useful phone numbers will be available in the near future.

Yean-Hsi Chang
Patent Examiner
Art Unit: 2835
February 5, 2004